IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7607 of 2007()

CRIME NO. 154/07 OF WALAYAR POLICE STATION
CRMP.4206/2007 of DISTRICT COURT, PALAKKAD

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PETITIONERS/ACCUSED NO.1,2,4 & 5

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1. ABDULKALAM AZAD,
ALIAS AZAD, AGED 18,S/O.BASHEER,
PANAMGAD, KANJIKODE, PALAKKAD.

2. HAKKEEM,
S/O. KAJA HUSSAIN,
AGED 20, PANAMGAD,
KANJIKODE, PALAKKAD.

3. SUNIL,S/O.VELAYUDHAN, AGED 19
PANAMGAD, KANJIKODE, PALAKKAD.

4. SURESH,S/O. RAJU, AGED 21,
PANDIYATHUPADAM,PANAMGAD, KANJIKODE, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REP. BY CIRCLE INSPECTOR OF POLICE
WALAYAR POLICE STATION, PALAKKAD.
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7607 of 2007

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Dated this the 10th day of December, 2007

O R D E R

Application for regular bail. The petitioners are accused 1, 2, 4 and 5 in a crime registered under Sections 307 and 324 I.P.C. The alleged incident took place on 22.7.2007. Allegations and counter allegations have been raised by the rival contestants. Crimes under Section 307 I.P.C. have been registered in respect of both the allegations and counter allegations. Petitioners were arrested on 12.11.2007 and they continue in custody from that date. Application of these petitioners for anticipatory bail, along with others, was dismissed earlier as per order dt. 16.10.2007 in B.A.No. 6235 of 2007. Facts have been adverted to in detail in that order. This order must be read in continuation of that order. I am not hence adverting to facts in any greater detail in this order.

2. The learned counsel for the petitioners prays that the petitioners, who have remained in custody from 12.11.2007, may

now be enlarged on bail. The petitioners were not the aggressors, but they were only victims of aggression, submits the counsel.

3. The learned Prosecutor opposes the application. He submits and tensed law and order situation prevails in the locality. Some further time is required for completion of the investigation.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can now be directed to be enlarged on bail, subject to appropriate terms and conditions.

5. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall not be released from custody on the strength of this order prior to 17.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) They shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(d) The petitioners shall not enter the jurisdiction of Walayar police station, except for the purpose of complying with condition No. (c) above, during the said period of three months.

(R. BASANT)
Judge

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